Dr. A. R. Menon *(Pallippuram).*—The difficulty is how to know whether he is doing things in his individual capacity or in his capacity as a Government servant. Suppose the Commissioner of Police or the Chief Medical Officer is doing a certain thing. How to find out whether it is being done in the capacity of Dr. Rao or in the capacity of the Chief Medical Officer?

Mr. President.— There is absolutely no difficulty. So far as the action of Government servants are concerned if it is alleged that they are acting in their official capacity there is the statement of the Government. If Government categorically deny that they have issued any such instructions there is an end of the matter. And if it is in their private capacity that Government servants are doing a thing which is against the Government Servants' conduct rules, then, it is for Government to take such disciplinary action as they think fit.

Mr. E. Ikkanda Warriar *(Urakam).*—This motion is to bring to the notice of the Government that such things are taking place.

Mr. President.—Not in the Legislative Council. You must give an opportunity to vindicate his character. You cannot take shelter under the privileges of this House. If a person takes it as a luxury to defame Government servants, he must do it outside the House and take the consequences. I can go further and say that if it isbrought to the notice of Government that any Government servants are using undue influence, Government will certainly take disciplinary action against such servants.

Motion was ruled out of order.

vii—re: the Action of Sir Shanmukham Chetty making a public speech and thus violating prohibition orders.

Mr. President. —The next motion is also in the name of Mr. Warriar. "I have the honour to request you to grant me leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, to wit, the action of the Diwan of Cochin in participating and making a speech on the occasion of a meeting held at the instance of the Cochin State Power and Light Corporation on the 26th Makarm 1112 to open the Shanmukham Power House in Trichur, a meeting which has come under the prohibition contained in the Cochin Government Gazette Notification No. 35, Law and Justice Department dated 17—5—1112, prohibiting public meetings, speeches and processions in and around Trichur within a radius

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of 5 miles pertaining to the Electrification of Trichur and the activities of the Cochin State Power and Light Corporation Ltd."

Is it the Diwan who presided over this function?

Mr. T. S. Narayana Ayyar *(Secretary to Government).*—It is not an action of the Diwan of Cochin, but an action of Sir Shanmukham Chetty.

Mr. E Ikkanda Warriar*(Urakam).*—Sir Shanmukham Chetty is the Diwan of Cochin.

Mr. President.—Sir Shanmukham presided over that function. Government have no information whether it was the Diwan or not. There is no Government Proceedings by which the Diwan was authorised to preside. If any person in his individual capacity violated the prohibitory order and if the District Magistrate and the Police Commissioner arrest him, he will submit to the arrest.

Mr. E. Ikkanda Warriar *(Urakam).*—If the Diwan does it, no Magistrate will dare to do it.

Motion was ruled out of order.

viii. re-the Government order depriving Mr. Kurur Divakaran Namboodiripad of some of his elementary civil rights.

Mr. President.—Mr. Ikkanda Warriar has given notice of another motion which runs thus:— "I have the honour to request you to grant me leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, to wit, the deprivation by Government executive order of some of the elementary civil rights of Mr. Kurur Divakaran Nambudiripad namely, the right of entering Brahmin houses &c. and touching tanks, wells &c."

Mr. T. S. Narayana Ayyar *(Secretary to Government)*—The order referred to was on an enquiry conducted on a petition which was sent to His Highness. As the motion relates to a matter which comes under the prerogative of His Highness, it is beyond the purview of the Council.

Mr. K. Ayyappan *(Ezhuvas South)*—May I know what is the method of publishing such prohibitory orders?

Mr. T. S. Narayana Ayyar *(Secretary to Government).*—The order was served on the individual.

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